IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8763 of 2004

Between:

Shaik Sirajuddin S/o SMD Haneef, R/o D. NO. 11/109, Ameenpur road,

Kadapa, Kadapa district

... PETITIONER

AND

1 The Superintending of Police, Kadapa District at Chittoor
2 The Sub Divisional Police Officer, Rajampet, Kadapa District
3 Station House Officer, Rajampet Urban Police Station, Kadapa District
4 Station House Officer, Nandalur Police Station, Kadapa District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in opening history sheet and continuing the same against him is illegal, arbitrary, abuse of power and violative of Art 14 and 21 of the constitution of India and also contrary to the provisions of A.P. Police Standing Orders and consequently quash the same in the interest of justice and

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR HOME

The Court made the following order:

ORDER:

Petitioner questions the action of the respondents in opening a Rowdy Sheet and continuing the same as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

A Rowdy Sheet was opened against the petitioner on 12.08.2002. The only crime registered and pending against the petitioner in Cr.No.24 of 2002 for the offence under Section 302 IPC ended in acquittal on 16.04.2003 vide S.C.No. 275 of 2002 on the file of the Principal District & Sessions Judge, Kadapa. Thereafter, no case is pending against the petitioner. Therefore, the continuance of the rowdy sheet against the petitioner is illegal and arbitrary.

Petitioner earlier filed W.P.No.6092 of 2004 to declare the action of the respondents in paying domiciliary visit to his house through their constables and launching surveillance on his movements and insisting him to appear before them otherwise than the procedure established by law as illegal and irregular.

In the said writ petition counter has been filed stating that the surveillance on the movements of the petitioner was necessary as a rowdy sheet was opened against him on 12.08.2002. In those circumstances, the writ petition was disposed of observing that even if the petitioner is required to be called to the police station, respondents are directed to follow

the procedure contemplate under law and obtain his presence before them.

Petitioner has not questioned the opening of the rowdy sheet in the earlier writ petition, as he did not have any knowledge of the said rowdy sheet until the counter was filed in the said writ petition. Therefore, he is constrained to file this writ petition to declare the action of the respondents as illegal. Admittedly no case is pending against the petitioner. Therefore, I am of the opinion that opening of the rowdy sheet against the petitioner is contrary to the Police Standing Order 742.

A Rowdy Sheet cannot be opened against a person unless the persons commits or abets to commit offences involving breach of peace. As no case is pending against the petitioner, it cannot be said that the petitioner would attempt to commit any crime involving breach of peace. Therefore, I am of the opinion that opening of the rowdy sheet and continuing the same against the petitioner is illegal and unsustainable.

The writ petition is accordingly allowed directing the respondents to close the rowdy sheet opened against the petitioner forthwith. No costs.

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V. ESWARAIAH, J

April 12, 2005

Dsk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this

Tuesday the Twelfth Day of April Two Thousand and Five.

To

1 The Superintending of Police, Kadapa District at Chittoor
2 The Sub Divisional Police Officer, Rajampet, Kadapa District
3 The Station House Officer, Rajampet Urban Police Station, Kadapa District
4 The Station House Officer, Nandalur Police Station, Kadapa District

5 Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

Two CD Copies.